



## **BYLAW NO. 2018/16/D**

**Name of Bylaw:** Land Use Amending (Cannabis Production/Distribution) Bylaw

**WHEREAS** Council deems it necessary to permit Cannabis Production and Distribution Facilities with restrictions in the Town of Drayton Valley;

**AND WHEREAS** the *Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta 2000 and amendments thereto, authorizes the Council to pass, repeal or amend a Bylaw;

**AND WHEREAS** Council of Town of Drayton Valley deems is expedient and proper, under the authority of and in accordance with the *Municipal Government Act*, RSA 2000, Chapter M-26 and amendments thereto, to make certain amendments to the Town of Drayton Valley Land Use Bylaw;

**NOW THEREFORE** the Council of the Town of Drayton Valley, duly assembled, hereby enacts as follows:

### **TITLE**

1. This Bylaw may be cited as the "Land Use Amending (Cannabis Production/Distribution) Bylaw" of the Town of Drayton Valley.

### **PURPOSE**

2. The purpose of this Bylaw is to amend Town of Drayton Valley Land Use Bylaw 2007/24/D to include provisions for the establishment of Cannabis Production and Distribution Facilities within the Town.
3. The following shall be added, in alphabetical order, to Section 3 Definitions of Land Use Bylaw 2007/24/D:

*Cannabis Production and Distribution Facility means an enclosed building authorized by the appropriate Federal department or agency for one or more of the following activities as it relates to cannabis:*

- i. The production, manufacturing, cultivation, and growth of Cannabis;*
- ii. The processing of raw materials;*
- iii. The making, testing, manufacturing, assembling or in any way altering the chemical or physical properties of semi-finished or finished goods and products;*
- iv. The storage or transshipping of materials, goods and products; or*

v. *The distribution and sale of materials, goods and products to Cannabis Retail Stores or to individual customers for medicinal purposes in accordance with all Federal and Provincial regulations.*

4. Land Use Bylaw 2007/24/D is amended by adding, within land use sections B14 – M Industrial District, B21- AG Agricultural district and B24 – RI Rural Industrial District “Cannabis Production and Distribution Facility” as a Permitted Use.
5. Despite Section 4, for lands in the B14-M Industrial District, B21- AG Agricultural District and B24- RI Rural Industrial District and located within 100 meters of the current Town/County boundary, a “Cannabis Production and Distribution Facility” is deemed to be a Discretionary Use.
6. Despite Section 4, Land Use Amending Bylaw 2018/16/D does not apply to lands that are identified as being subject to the 2011 annexation as identified in the Land Use Zoning Map.
7. Land Use Bylaw 2007/24/D Section A2 of Schedule “A” is hereby amended by adding the following:

“CANNABIS PRODUCTION AND DISTRIBUTION FACILITY”

- 2.9 Any Cannabis Production and Distribution Facility requires a Development Permit approved by the Town of Drayton Valley, and shall meet all applicable requirements of the respective district in which it is located.
- 2.10 In addition to Section 2.9 above, a Cannabis Production and Distribution Facility shall:
  - 2.10.1 not be located within 150 metres of the boundary of any existing property containing the following:
    - a. hospital or proposed hospital;
    - b. school or school reserve lands;
    - c. playground;
    - d. sports field;
- 2.11 An applicant that applies for a Development Permit for a Cannabis Production and Distribution Facility shall be required to:
  - 2.11.1 produce evidence that the location meets the requirements for minimum separation distances provided in Section 2.10.1 from the following:

- a. hospital or proposed hospitals;
  - b. school or school reserve lands;
  - c. playgrounds; or
  - d. sports fields
- 2.11.2 obtain the prerequisite Federal license and any applicable Provincial authorization prior to occupancy;
- 2.11.3 maintain the Federal license and any applicable Provincial authorization in good standing; and
- 2.11.4 comply with all applicable Federal and Provincial requirements.
- 2.12 The conditions of a Development Permit approved for the development of a Cannabis Production and Distribution Facility, in addition to those listed in Section 14, include:
  - 2.12.1 a copy of the Cannabis Production and Distribution License license issued by Health Canada and any other applicable authorizations from the Federal or Provincial governments shall be provided to the Town prior to occupancy;
  - 2.12.2 occupancy shall not occur until authorized by and compliant with all applicable Federal and Provincial legislation;
  - 2.12.3 use of banner signs and inflatable advertising shall be prohibited;
  - 2.12.4 the site requires lighting, landscaping or screening measures that ensure the proposed development is compatible with adjacent or nearby uses and comply with Crime Prevention Through Environmental Design (CPTED) measures;
  - 2.12.5 parking shall be provided in accordance with the parking requirements for an Industrial Plant, as stated in Section A32.1 and parking requirements for the district in which it is located;
  - 2.12.6 no employee parking shall be located at the rear of the Cannabis Production and Distribution Facility;
  - 2.12.7 no outdoor storage of cannabis goods, materials, or supplies shall be allowed on the site;

- 2.12.8 the use shall not emit nuisances including, but not limited to, odour, noise or light, which may have a negative impact to adjacent sites or the surrounding area;
- 2.12.9 In addition to Section 2.12.8 above, a Cannabis Production and Distribution Facility must include an air filtration system to remove odours as an extra protection to ensure the use does not create odour impact to adjacent properties.
- 2.13 Notwithstanding the authorities granted under Section 13.7 of this Bylaw, no variance for the proposed development of a Cannabis Production and Distribution Facility shall be granted by the Development Authority. Any proposed variance shall require approval of Town Council.
- 2.14 The separation distance between a Cannabis Production and Distribution Facility and those land uses described in Section 2.10.1 shall be determined by measuring a straight line from the closest point on the lot line of the lot on which the proposed Cannabis Production and Distribution Facility is to be located to the closest point on the lot line of the lot on which the other specified use is located.

### **INTERPRETATION**

8. Words used in the singular include the plural and vice-versa.
9. When a word is used in the masculine or feminine it will refer to either gender.
10. Words used in the present tense include the other tenses and derivative forms.

### **SEVERABILITY**

11. If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, that decision will not affect the validity of the remaining provisions of the Bylaw.

**AND THAT** this Bylaw shall come into force and have effect from and after the date of third reading thereof.

Read a first time this 28<sup>th</sup> day of November, 2018, A. D.

Public Hearing held this 16<sup>th</sup> day of January, 2019, A. D.

Read a second time this 16<sup>th</sup> day of January, 2019, A. D.

Read a third and final time this 16<sup>th</sup> day of January, 2019, A. D.



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MAYOR



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CHIEF ADMINISTRATIVE OFFICER

